

## CERTIFICATE OF TRANSMISSION PURSUANT TO 37 C.F.R. § 1.8

I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office at (571) 273-8300 and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: April 20, 2006By: [Signature]RECEIVED  
CENTRAL FAX CENTER

APR 20 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Applicant:	David S. Bonalle	Docket No.	60655.9700
Serial No.:	10/708,831	Filing Date:	March 26, 2004
Group Art Unit:	3621	Examiner:	Nam V. Nguyen
Title:	METHOD AND SYSTEM FOR KEYSTROKE SCAN RECOGNITION BIOMETRICS ON A FOB	Confirmation No.:	

**TERMINAL DISCLAIMER TO OBVIATE  
A PROVISIONAL DOUBLE PATENTING REJECTION  
OVER CO-PENDING APPLICATION**

Mail Stop Amendment  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner,

The owner, American Express Travel Related Services Company, Inc., of 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on the pending reference Application Number 10/708,836 which was filed on March 26, 2004, as such term is defined in 35 U.S.C. §§ 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the

AmExp. 200601420  
14/3723.1

PAGE 4/20 \* RCVD AT 4/20/2006 7:38:21 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-3/10 \* DNIS:2738300 \* CSID:602 382 6070 \* DURATION (mm-ss):08-02

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Serial No. 10/700,834

Attorney Docket No. 80655.9700

reference, application is commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that any such patent granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is an attorney of record, Reg. No. 54,073.

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1823723.1

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Serial No. 10708.834

Attorney Docket No. 60655.9700

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 19-2814.

Respectfully submitted,

Dated: April 10, 2006

By: Kirk Dorius  
Kirk Dorius  
Reg. No. 54,073

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P10/58/17 (01-00)  
Approved for use through 07/31/2006, OMD 0651-0032  
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**FEE TRANSMITTAL**  
For FY 2006

☐ Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT (\$)** 480.00

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**APR 20 2006**

**Complete if Known**

Application Number	10/708,834
Filing Date	March 26, 2004
First Named Inventor	David S. Bonalle
Examiner Name	Nam V. Nguyen
Art Unit	3621
Attorney Docket No.	60655.9/00

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number 10 2814 Deposit Account Name Snell & Wilmer LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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**FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 1 (including Reissues)	200	100
Multiple dependent claims	360	180

**Total Claims** 40 - 20 or HP = 7 x 50 = 350.00

HP = highest number of total claims paid for, if greater than 20.

**Indep. Claims** 3 - 3 or HP = 3 x 200 = 600.00

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(C) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fees Paid (\$)
<u>100</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount) 130.00

Other (e.g., late filing surcharge): Terminal Disclaimer 0

SUBMITTED BY	Registration No. 54,073	Telephone (802) 382-6544
Signature <u>Kirk Dorius</u>	(Attorney/Agent)	Date April 20, 2006
Name (Print/Type) <u>Kirk Dorius</u>		

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

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